

Remarks

Applicant acknowledges with appreciation the Examiner's indication in the Office Action that claim 19 is directed to allowable subject matter. In accordance with such indication the limitations of canceled claims 18 and 19 were incorporated into independent claim 16, and claim 17 was amended to be consistent with the changes in claim 16. New drawings figures corresponding to the embodiment of claim 19 will be furnished after the Examiner indicates the application is otherwise in condition for allowance.

Claims 1, 7, and 16 were amended to cure the informalities noted in paragraph 4 of the Office Action. Claims 14 and 15 were canceled. The claims are now in full compliance with the requirements of 35 U.S.C. Sec. 112. If the Examiner would like to suggest additional changes of a formal nature to place the application in better condition for allowance, a telephone call to applicant's undersigned attorney will be appreciated.

Independent claim 1 was amended to better distinguish applicant's invention from the cited prior art. These amendments are supported by canceled claims 2 and 6 and by paragraphs 17 and 35 of the specification. There is no "new matter" in the amended claims.

The Office Action rejected claims 1-5, 9-11, and 13-15 as unpatentable over Xie U.S. 6,783,233. The Office Action referred to Figure 10 and to a portion of paragraph 6 describing Figure 8 even though neither embodiment describes a fastener means extending into an opening in an inner lens, as claimed by applicant.

Xie's Figure 12 shows rimless eyewear having lenses 121 G, 122 G, each defining circular openings supporting extension arms 151 G, 161 G and magnet holders 152 G, 162 G. However, Xie's single circular openings in each lens are unsuitable for supporting plastic prongs having a pair of spaced bushings, as claimed by applicant.

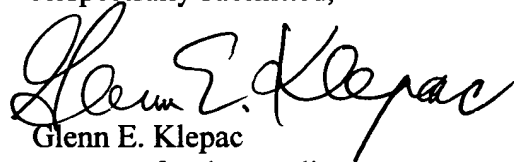
Xie's single openings are also inconsistent with the disclosure of Yoshida U.S. 6,170,950. Yoshida's lens sandwiching part 22 does not support a magnet or a material attracted to a magnet. Instead, Yoshida's part 22 comprises a lug 16 and an elliptical shaped columnar member 24 circumscribing a metal fastener 18. The sandwiching part and the fastener support a lens 12. An end of the lug 16 is connected to a temple T through a hinge 20. Yoshida does not disclose a prong having spaced bushings extending through openings in a lens as recited in applicant's amended claim 1. The invention of amended claims 1, 3-5, and 7-13 is not anticipated by Xie or rendered obvious by any valid combination of Xie and Yoshida.

The Office Action rejected claims 1, 12, 16-18, and 20 as unpatentable over Xiao U.S. 6,505,932. Figures 12-14 show a rimless primary frame including lenses 121C, 122C connected by a bridge 111C and having side extensions 13B, 14B. The lenses each define a single opening adjacent the bridge for a single magnetic nut (not numbered). The nuts are connected via frame lockers 17C, 18C to the bridge 111C. The nuts also are connected with supporting arms 221C, 231C (col. 8, line 3). A magnetic shelter frame 20C is connected to the supporting arms by means of magnetic seats 24C, 25C.

Amended claim 1 distinguishes applicant's invention from Xiao by requiring a plastic prong including a pair of spaced hollow bushings, the hollow bushings being connected by a bight. Xiao's disclosure is limited to a magnetic metal fastener extending through his lenses. Xiao does not disclose hollow plastic bushings or a bight extending between the bushings. Amended claim 1 is clearly allowable over Xiao, considered by itself or in any valid combination with Yoshida or along with the other references of record in this case.

Applicant requests early notice of allowance of the amended claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Glenn E. Klepac", written in a cursive style.

Glenn E. Klepac

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